

Application No.: 09/745,965

REMARKS/ARGUMENTS

Claims 1, 10 and 19 have been amended and new Claims 28-30 have been added. Applicants assert that no new matter is presented by these amendments and respectfully request entry of the same.

Rejections under 35 U.S.C. § 101 should be withdrawn.

Claims 1, 2, 4-9 were rejected under 35 U.S.C. 101 because the claimed invention was allegedly directed to non-statutory subject matter. The Examiner stated that the claims were drawn to a data manipulation method which did not communicate the final result to a user and as such, the method didn't end with the production of a concrete, tangible and useful result as required. The Examiner suggested that a step of displaying the selected probes, or communicating the set of selected probes to a user might overcome this rejection. Applicant respectfully disagrees, however, to expedite the issuance of allowable claims, Claims 1 and 9 have been amended and new Claims 28 and 29 have been added.

Claim 1 has been amended to include a step of outputting the selected probes. This step is well supported in the specification. Figure 15, for example, clearly shows a final step wherein the selected probes are outputted. One skilled in the art would appreciate that the selected probes could be outputted in numerous ways. Exemplary ways are given in the specification, "intended to be illustrative and not restrictive" (page 38, line 5), and as such, provide support for new dependent Claim 28. Page 24, line 10, states that the selected probe sequences can be "stored in .101 files" (files listing all of the probes on a chip). The table on page 29 similarly states that the selected probe

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sequences can be outputted to .llq files (files describing all of the probes on a chip, as well as what they are used for). Applicants believe that the rejected claims now *clearly* are directed to a method which does communicate a final result to a user and respectfully request withdrawal of the rejections.

Rejections under 35 U.S.C. § 112 should be withdrawn.

Claims 10, 11, 13-18 were rejected under 35 U.S.C. 112, second paragraph, as allegedly being incomplete for omitting essential elements, such omission amounting to a gap between the elements. According to the Examiner, the omitted elements were: a means for outputting the result of the methods and selecting steps. Applicant respectfully disagrees. However, in order to expedite the issuance of the claims, Applicant has amended Claim 10 and added Claim 29 to include a step of outputting the selected probes, in some embodiments, to a file. As explained above, ample support for these amendments exists in the specification and Applicants believe that the rejected claims are now *clearer* as to a means for outputting the selected probes.

Claims 19, 20, 22-27 were rejected under 35 U.S.C. 112, second paragraph, as also allegedly being incomplete for omitting essential elements, such omission amounting to a gap between the elements. According to the Examiner, the omitted elements were: a step of outputting the result of the selecting steps. Applicant respectfully disagrees. However, in order to expedite the issuance of the claims, Applicant has amended Claim 19 and added Claim 30 to include a step of outputting the selected probes, in some embodiments, to a file. Again, support for these amendments can be found in the

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specification and Applicants believe that the rejected claims are now *clearer* as to a step of outputting the selected probes.

Applicant respectfully request withdrawal of the rejections in view of the amendments and remarks.

CONCLUSION

For these reasons, Applicants believe all pending claims are now in condition for allowance. If the Examiner has any questions pertaining to this application or feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at 408/731-5000.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account 01-0431.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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